



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: TXT-23876 - APPLICANT: CITY OF LAS VEGAS**

### \*\* CONDITIONS \*\*

**STAFF RECOMMENDATION: NO RECOMMENDATION, subject to:**

1. That Table 2 in Title 19.04.010, "Land Use Tables," is hereby amended as follows:

Table 2 – Land Use Table  
Institutional and Community Service

| USE  | RESIDENTIAL |     |     |     |     |      |     |     |     |     |      |       | COMMERCIAL |     |   |     |     |     | INDUSTRIAL |     |   |
|--|-------------|-----|-----|-----|-----|------|-----|-----|-----|-----|------|-------|------------|-----|---|-----|-----|-----|------------|-----|---|
| Adult Day Care Center  | U           | R-A | R-E | R-D | R-1 | R-CL | R-2 | R-3 | R-4 | R-5 | R-MH | R-MHP | P-R        | N-S | O | C-D | C-1 | C-2 | C-PB       | C-M | M |
|  | S           | S   | S   | S   |     |      | S   | S   | S   | S   | S    |       | C          | C   | C | P   | P   | P   | P          | P   | P |
| <b>Description:</b><br>A facility that provides personal care and related services to more than ten dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day.  |             |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |     |            |     |   |
| <b>Conditional Use Regulations:</b> <ol style="list-style-type: none"> <li>1. The facility must comply on an ongoing basis with all governmental licensing requirements.</li> <li>2. Access to the facility shall be by means of a collector street or larger.</li> <li>3. The maximum lot coverage shall not exceed fifty percent.</li> <li>4. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout driveways, circulation pattern and parking must be approved by the City Traffic Engineer prior to issuance of any building permits.</li> <li>5. Common area shall be provided on the basis of a minimum of fifteen square feet per client.</li> <li>6. Where adult day care center properties have a residential adjacency:               <ol style="list-style-type: none"> <li>a. An eight-foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.</li> <li>b. The building entrance and access shall be oriented away from residential uses on local streets.</li> <li>c. Outdoor activity shall be limited to daylight hours.</li> </ol> </li> <li>7. The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.</li> </ol>            |             |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |     |            |     |   |
| <b>Minimum Special Use Permit Requirements:</b> <ol style="list-style-type: none"> <li>1. The facility must comply on an ongoing basis with all governmental licensing requirements.</li> <li>2. Access to the facility shall be by means of a collector street or larger.</li> <li>3. The maximum lot coverage shall not exceed fifty percent.</li> <li>4. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout driveways, circulation pattern and parking must be approved by the City Traffic Engineer prior to issuance of any building permits.</li> <li>5. Common area shall be provided on the basis of a minimum of fifteen square feet per client.</li> <li>6. Where adult day care center properties abut residential properties:               <ol style="list-style-type: none"> <li>a. An eight-foot block wall shall be installed along the common property line, with an additional buffer of evergreen trees along any open space or recreational area.</li> <li>b. The building entrance and access shall be oriented away from residential uses on local streets.</li> <li>c. Outdoor activity shall be limited to daylight hours.</li> </ol> </li> <li>7. The hours of operation shall not extend beyond the hours of 6:00 a.m. to 9:00 p.m.</li> </ol> |             |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |     |            |     |   |
| <b>On-site Parking Requirement:</b> One space for each staff member, plus one space for each 6 clients.  |             |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |     |            |     |   |

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| USE                                      | RESIDENTIAL   |     |     |     |     |      |     |     |     |     |      |       | COMMERCIAL |     |   |     |     | INDUSTRIAL |      |     |   |
|--|---|-----|-----|-----|-----|------|-----|-----|-----|-----|------|-------|------------|-----|---|-----|-----|------------|------|-----|---|
| Child Care – Family Home (1-6± Children) | U   | R-A | R-E | R-D | R-1 | R-CL | R-2 | R-3 | R-4 | R-5 | R-MH | R-MHP | P-R        | N-S | O | C-D | C-1 | C-2        | C-PB | C-M | M |
|  | P   | P   | P   | P   | P   | P    | P   | P   | P   | P   | P    |       |            |     |   |     |     |            |      |     |   |
|  | <b>Description:</b><br>A residential dwelling used primarily as a residence which also provides day or overnight <u>child care for compensation</u> for a maximum of 6 children during school hours and up to 9 children during all other hours for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services. |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |            |      |     |   |
|  | <b>On-site Parking Requirement:</b> No additional parking required beyond that which is required for the principal use on the site.   |     |     |     |     |      |     |     |     |     |      |       |            |     |   |     |     |            |      |     |   |

2. That Title 19.20.020, “Words and Terms Defined,” is hereby amended as follows:

Child Care – Family Home (1-6+ Children). A residential dwelling used primarily as a residence which also provides day or overnight child care for compensation for a maximum of six children during school hours and up to nine children during all other hours for compensation. Such a use is subject to the child care regulations and standards of the Department of Finance and Business Services.

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**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request to amend Title 19.04 and Title 19.20 to revise standards for child care and adult day care facilities.

**EXECUTIVE SUMMARY**

The proposed amendment will allow Adult Day Care in residential zoning districts upon approval of a Special Use Permit, and will establish a parking requirement for the use. In addition, the Child Care category for 1-6 children will be expanded to allow an additional three children as part of after-school care, which is currently allowed under City licensing practices. The amendment as proposed offers adequate protections to the residential areas where the uses will be allowed; as such, staff recommends approval of the request.

**BACKGROUND INFORMATION**

The City Council approved a Text Amendment (TXT-12056) in August 2006 to establish a use category for Adult Day Care facilities. As approved, the use is only permitted in commercial zoning districts; a current annexation request is dependent upon the expansion of the use to residential districts. In addition parking standards were adopted at that time for the use; staff has administratively applied the same parking standard as for Child Care facilities.

Currently, the Child Care use is divided into three separate categories based on the number of children: 1-6 children, 7-12 children, and over 12 children. The first two categories are limited to residential dwellings, while the last category is more commercial in nature. Under current licensing practices administered by the Finance & Business Services Department, those who operate under the 1-6 children category may be allowed to care for an additional three children after school hours. The proposed text amendment is intended to remove the conflict between licensing practices and zoning regulations.

**ANALYSIS**

The proposed amendment will expand the Adult Day Care use to all residential zoning districts upon approval of a Special Use Permit, with the exception of the R-CL (Single Family Compact Lot) and the R-MHP (Residential Mobile/Manufactured Home Park) districts. The minimum requirements for Special Use Permit approval are similar to the existing Conditional Use requirements, which would offer adequate protections to any abutting residential properties as

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well as minimize impacts to adjacent roadways. As the Adult Day Care use will have no more impacts to residential neighborhoods than the allowed Child Care uses, it is appropriate to expand the use to residential zoning districts. In addition, the use will need to comply with all governmental licensing requirements.

As noted, no parking requirement was adopted when the Adult Day Care use was established. Staff has administratively utilized the parking standard for Child Care, which requires one parking space for each staff member and one parking space for every six children. In this case, the language would be modified to state that the parking ratio is based on “clients” rather “children.”

The second element of this proposed amendment is to change the number of children permitted for the 1-6 Child Care category. As previously discussed, City of Las Vegas licensing limits this use category to six children during school hours, but allows an extra three children as part of after-school care. Amending the zoning regulations to correspond with licensing requirements will reduce confusion on the part of Child Care operators and Code Enforcement officers. While an additional three children is a minor increase in the intensity of such operations, it is allowed by licensing currently, and should have minimal impact citywide.

## **FINDINGS**

The proposed amendment will achieve the following:

- Allow Adult Day Care facilities in residential neighborhoods, while still offering protections to abutting residential properties;
- Establish a parking requirement for Adult Day Care facilities; and
- Amend zoning regulations for the Child Care use to correspond with existing licensing practices.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**      N/A

**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      NEWSPAPER ONLY

**APPROVALS**      0

**PROTESTS**      0